

GEORGE E. PATAKI
GOVERNOR



JOHN P. CAHILL
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK, 12233-1010

JUL 31 2000

Ms. Jeanne M. Fox
Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007-1866

Dear Regional Administrator Fox:

Section 107(d)(1) of the Clean Air Act provides the opportunity for the Governor of each state to recommend air quality designations with respect to any National Ambient Air Quality Standard (NAAQS). At the request of Governor Pataki, I am submitting New York State's recommendations regarding the designations under the 8-Hour Ozone NAAQS. I am also enclosing a list of monitors and locations where 8-Hour design values for years 1997-1999 exceed the standard.

The Environmental Protection Agency (EPA) is to be commended for continuing to pursue the 8-Hour Ozone NAAQS. It is important that the public health and environment be protected. Although EPA's March 28, 2000 document entitled, "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standard" (Guidance) recommends nonattainment areas have boundaries that follow the boundaries of consolidated/metropolitan statistical areas (C/MSA's), it is important to recognize that ozone is a regional pollutant and that a broader regional approach is both appropriate and required if we are to adequately protect public health.

In the Northeast, we are addressing this problem through regionally-coordinated efforts that go beyond Clean Air Act requirements. Although the New York City Metropolitan Area continues to experience unhealthy air, we have made substantial progress in recent years. According to the American Lung Association, New York City ranks 16th among metropolitan areas in the number of unhealthy days. The success of the Northeast in reducing air pollution serves as an example of the public health benefits that are achievable in other areas of the country.

This success is also largely due to Governor Pataki's leadership and direction. As you know, the Governor is a strong supporter of both the 8-Hour Ozone and particulate matter

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(PM_{2.5}) NAAQS. Under the Governor's leadership, the State has also adopted a substantial number of air quality programs. They include: the Low Emissions Vehicle (LEV) Program; the nitrogen oxide (NOx) State Implementation Plan (SIP) Call; annualized nitrogen oxide (NOx) State Implementation Plan (SIP) Call reductions along with an additional 50 percent reduction in sulfur dioxide emissions over Title IV of the Act; light-duty Inspection and Maintenance (I/M); a heavy-duty diesel Inspection and Maintenance (I/M) Program; a technology and fuel change requirement affecting new purchases as well as the existing bus fleet of the Metropolitan Transportation Authority (MTA); and a complete attainment demonstration.

Within the Ozone Transport Region (OTR), we are working with EPA and other states to implement regional measures such as controls on consumer products, architectural and industrial maintenance coatings, solvent metal cleaning, autobody refinishing, small source NOx control, diesel fuel and non-road sources.

The State has also been instrumental in quantifying the regional nature of ozone through the Ozone Transport Assessment Group (OTAG) process and Section 126 Petitions.

Given the regional nature of ozone and the extent of New York's control efforts, we recommend that the areas within New York State which are measuring violations be included in either one of two multi-state control areas. One would encompass the areas bordering the Great Lakes and a second would encompass the area along the eastern seaboard. In doing so, EPA would be meeting the definition of a nonattainment area which is defined in section 107(d)(1)(A)(i) as "any area that does not meet (or that contributes to ambient air quality in an area that does not meet) the national primary or secondary ambient air quality standard for the pollutant."

Within these regions, I encourage EPA to continue classifications, such as "Transitional" and "International," that account for the nature of the source of the violations. This is especially important in western New York. The averages recorded at those monitors, in most cases, only marginally exceed the standard. The local contribution is limited as a result of New York's controls and the rural nature of the area. The exceedances are now the result of the failure to reduce ozone precursors in parts of the Midwest and Canada. In addition to the NOx SIP Call, reductions must be realized in Ontario, Canada. I encourage EPA to ensure these reductions are part of the air quality agreement currently being revised between the United States and Canada. For example, the Nanticoke facility in Ontario, only 63 miles west of Buffalo, is one of the largest sources of emissions in North America. While it is important that emissions from this country not cause environmental or public health problems in Canada, the reverse is also true.

Once the contributions from these areas are limited, air pollution levels in western New York should fall below the standard.

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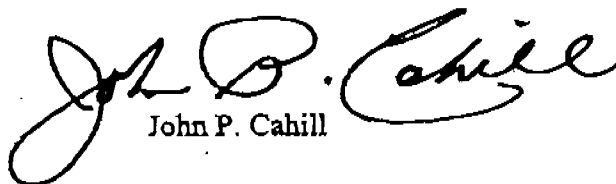
The extent of these regional boundaries should be determined through a collaborative process. New York would be interested in working with EPA as well as our other state and local colleagues to develop these areas.

Given the significance of these determinations, I would also like to express concern with EPA making specific designations given the lack of guidance addressing related and unresolved issues such as control of transport sources of ozone and its precursors and the impact of the existing conformity process on newly designated areas.

With regard to the conformity requirements, EPA should seek input from impacted areas, and provide timely guidance to address issues resulting from these designations. How the requirements of the 1-Hour Ozone NAAQS will segue into the requirements of the 8-Hour Ozone NAAQS also needs to be addressed with regard to maintenance budgets and differing boundaries.

Should you or your staff have any questions regarding these recommendations, please contact Robert K. Warland, Director, Division of Air Resources at 518/457-7230.

Sincerely,



John P. Cahill

Enclosure

cc: G. McVoy, NYSDOT
Regional Directors
C. Johnson
J. Austin
C. McCarthy
R. Warland
D. Shaw
J. Ralston

New York State - Monitors Exceeding the 8 Hr. Ozone NAAQS for 97-99

New York City Metropolitan Area	Design Value (ppm)	Monitor Location	AIRS Monitor ID Number
Bronx County	0.088	Botanical Garden	360050083
Dutchess County	0.090	Millbrook	360270007
Orange County	0.090	Valley Central	360715001
Putnam County	0.094	Mt. Ninham	360790005
Richmond County	0.105	Susan Wagner	360850067
Suffolk County	0.097	Babylon	361030002
	0.098	Riverhead	361030004
Westchester County	0.098	White Plains	361192004
Western New York	Design Value (ppm)	Monitor Location	AIRS Monitor ID Number
Chautauqua County	0.089	Westfield	360130011
Erle County	0.085	Amherst	360290002
Jefferson County	0.090	Perch River	360450002
Niagara County	0.086	Middleport	360631006
Wayne County	0.086	Williamson	361173001